

THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF GALVESTON HELD MARCH 11, 2010- 4:00 PM

1. DECLARATION OF A QUORUM AND CALL MEETING TO ORDER.
2. MOMENT OF SILENCE
3. PLEDGE OF ALLEGIANCE
4. ROLL CALL: Present: Mayor Thomas, CM Mahoney, CM Beeton, MPT Weber,
CM Colbert, CM Fennewald, CM Woods
Staff: City Manager LeBlanc, City Attorney Green, City
Secretary Lawrence
5. DECLARATIONS OF CONFLICT
None
6. APPROVAL OF MINUTES
N/A
7. PRESENTATIONS
 - A. Census Presentation: Asst. City Manager Lloyd Rinderer, LULAC Chair Miguel Aleman, NAACP President David Miller
 - B. Comprehensive Plan Presentation: Betty Massey, Recovery Committee Chair
 - C. Proclamation: Second Anniversary of the Best of Communities in Schools Galveston
8. PUBLIC HEARING
 - A. Public Hearing to receive citizen comments on the City of Galveston 2010 Consolidated Programs including the Community Development Block Grants (CDBG) in the estimated amount of \$1,511,653.00 and HOME Investment Partnerships Program (HOME) in the estimated amount of \$534,637.00.
Mayor Thomas opened the PUBLIC HEARING. There being no one to speak, the Public Hearing was closed.
Public Hearing only. No action required.
9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS
 - A. Consider for approval an Ordinance of the City of Galveston, Texas to consider the Galveston Housing Authority's detailed site plan regarding public housing for "Phase Four of The Oaks"; property is located at 4127 and 4200 Ball/Avenue H and legally described as Lots 1 thru 14, Block 281 and M Menard Survey, Block 282 and adjacent street, in the City and County of Galveston, Texas; making various findings and provisions related to the subject. (Planning Case 10PA-02).
ORDINANCE NO. 10-021 was read by caption: TO CONSIDER THE GALVESTON HOUSING AUTHORITY'S DETAILED SITE PLAN, IN ACCORDANCE WITH THE CITY CHARTER, REGARDING PUBLIC HOUSING

FOR "PHASE FOUR OF THE OAKS"; PROPERTY IS LOCATED AT 4127 AND 4200 BALL/AVENUE H AND LEGALLY DESCRIBED AS LOTS 1 THRU 14, BLOCK 281 AND M MENARD SURVEY, BLOCK 282 AND ADJACENT STREET, IN THE CITY AND COUNTY OF GALVESTON, TEXAS; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT. (PLANNING CASE 10PA-02).

Director of Planning Wendy O'Donohoe summarized the request.

Mayor Thomas opened the PUBLIC HEARING. There being no one to speak, the Public Hearing was closed.

CM Colbert moved approval. Second by CM Woods.

GHA Board Member Sharon Strain answered questions during discussion.

Vote: In favor: CM Mahoney, MPT Weber, Mayor Thomas, CM Colbert, CM Fennewald, CM Woods

Opposed: CM Beeton

Motion carried

- B. Consider for approval an Ordinance of the City of Galveston, Texas amending the "Galveston Zoning Standards", Section 29-54, "Sand Dune Area Definitions" and Section 29-90, "Development, Preservation and Protection of Sand Dune" to add and modify definitions related to the dune protection line and the line of vegetation and to modify the associated application review process; making various findings and provisions related to the subject. (Planning Case 10ZA-01).

ORDINANCE was read by caption: AMENDING THE "GALVESTON ZONING STANDARDS", SECTION 29-54, "SAND DUNE AREA DEFINITIONS", AND SECTION 29-90, "DEVELOPMENT, PRESERVATION AND PROTECTION OF SAND DUNE" TO ADD AND MODIFY DEFINITIONS RELATED TO THE DUNE PROTECTION LINE AND THE LINE OF VEGETATION AND TO MODIFY THE ASSOCIATED APPLICATION REVIEW PROCESS; PLANNING CASE 10ZA-01; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Director of Planning O'Donohoe summarized the request.

Mayor Thomas opened the PUBLIC HEARING.

Jackie Cole, 2308 Sydnor, stated the City should determine the lines and not the GLO. She supports CM Fennewald's recommendations.

There being no one else to speak, the Public Hearing was closed.

CM Fennewald moved to pass the ordinance and send it to the GLO and then, when it comes back with comments from the GLO, Council can reconsider the ordinance with change to 150 feet. Second by CM Mahoney.

Vote. In Favor: CM Mahoney, CM Beeton, CM Fennewald. Opposed: MPT Weber, Mayor Thomas, CM Colbert, CM Woods. Motion failed.

- C. Consider for approval an Ordinance of the City of Galveston, Texas, granting a Specific Use Permit in order to expand a "Convenience Store" in the Retail Zoning District and the Seawall Development and Height and Density Development Zones (R-SDZ-3-HDDZ-4) at 6026 Seawall Boulevard; property is legally described as "Part of Lot 40(40-3), Trimble and Lindsey Survey,

Section 1, in the City and County of Galveston, Texas"; Planning Case Number 10P-16.

ORDINANCE NO. 10-022 was read by caption: GRANTING A SPECIFIC USE PERMIT IN ORDER TO EXPAND A "CONVENIENCE STORE" IN THE RETAIL ZONING DISTRICT AND THE SEAWALL DEVELOPMENT AND HEIGHT AND DENSITY DEVELOPMENT ZONES (R-SDZ-3-HDDZ-4) AT 6026 SEAWALL BOULEVARD; PROPERTY IS LEGALLY DESCRIBED AS 'PART OF LOT 40(40-3), TRIMBLE AND LINDSEY SURVEY, SECTION 1, IN THE CITY AND COUNTY OF GALVESTON, TEXAS"; PLANNING CASE NUMBER 10P-16; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Director of Planning. O'Donohoe summarized the request.

Mayor Thomas opened the PUBLIC HEARING.

Ryan Dennard, Developer applicant, stated he was present to answer questions.

There being no one else to speak, the Public Hearing was closed.

Motion to approve by MPT Weber. Second by CM Woods. Unanimously approved.

D. Consider for approval an Ordinance of the City of Galveston, Texas, amending a Specific Use Permit in a Resort (RES) zoning District, in conjunction with a "Travel Trailer Park" land use within Dellanera RV Park; property is located at 10901 San Luis Pass Road/Dellanera Park and is legally described as "part of Lots 422 (422-1), 441 (441-1), 443 and adjacent roadway (442-1) and 120 foot right-of way of 7-Mile Road south of FM 3005 (Galveston Ordinance 85-40), of Trimble and Lindsey Survey, Section 1, in the City and County of Galveston, Texas"; Planning Case 10P-15; making various findings and provisions related to the subject.

ORDINANCE NO. 10-023 was read by caption: AMENDING A SPECIFIC USE PERMIT IN A RESORT (RES) ZONING DISTRICT, IN CONJUNCTION WITH A "TRAVEL TRAILER PARK" LAND USE WITHIN DELLANERA RV PARK; PROPERTY IS LOCATED AT 10901 SAN LUIS PASS ROAD/DELLANERA PARK AND IS LEGALLY DESCRIBED AS "PART OF LOTS 422 (422-1), 441 (441-1), 443 AND ADJACENT ROADWAY (442-1) AND 120 FOOT RIGHT-OF-WAY OF 7-MILE ROAD SOUTH OF FM 3005 (GALVESTON ORDINANCE 85-40), OF TRIMBLE AND LINDSEY SURVEY, SECTION 1, IN THE CITY AND COUNTY OF GALVESTON, TEXAS"; PLANNING CASE NUMBER 10P-15; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Director of Planning O'Donohoe summarized the request.

Mayor Thomas opened the PUBLIC HEARING.

There being no one to speak, the Public Hearing was closed.

Motion to approve by CM Fennwald. Second by MPT Weber. After discussion, CM Fennwald moved to amend the motion to remove Condition 10: In addition to 32,940 SF area of permeable grid in the road areas, the applicant shall enhance the drainage through the use of an additional permeable grid-base material layer with open paving grid that shall be filled with 530 yards of recycled concrete. MPT Weber accepted the amendment. Motion as amended was unanimously approved.

- E. Consider for approval an Ordinance of the City of Galveston, Texas amending the Galveston Zoning Standards 1991 to create the San Jacinto Neighborhood Conservation District (NCD-1) including applicable regulations and design standards by amending the Galveston Zoning Standards Section 29-23 "Zoning Districts Established," section 29-50 "Special Definitions and Explanations," and Section 29-80 "Special Historic District Regulations"; and amending the zoning district maps of the City of Galveston to delineate the boundaries of the San Jacinto Neighborhood Conservation District; Planning Case 10ZA-02 and 10P-18; making various findings and provisions related to the subject.

ORDINANCE NO. 10-024 was read by caption: AMENDING THE GALVESTON ZONING STANDARDS 1991 TO CREATE THE SAN JACINTO NEIGHBORHOOD CONSERVATION DISTRICT (NCD-1) INCLUDING APPLICABLE REGULATIONS AND DESIGN STANDARDS BY AMENDING THE GALVESTON ZONING STANDARDS SECTION 29-23 "ZONING DISTRICTS ESTABLISHED," SECTION 29-50 "SPECIAL DEFINITIONS AND EXPLANATIONS" AND SECTION 29-80 "SPECIAL HISTORIC DISTRICT REGULATIONS; AND AMENDING THE ZONING DISTRICT MAPS OF THE CITY OF GALVESTON TO DELINEATE THE BOUNDARIES OF THE SAN JACINTO NEIGHBORHOOD CONSERVATION DISTRICT" PLANNING CASES NUMBER 10ZA-02 AND 10P-18; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Director of Planning O'Donohoe summarized the request.

Mayor Thomas opened the PUBLIC HEARING.

Marie, 213 Park View, Houston, 2008 Ave. O, spoke in support of the NCD.

Jim Cantrell, 1427 Ball, representing the East End Historical District, spoke in support of NCD.

Lesley Sommer, 1209 Market, spoke in support of the NCD.

Linda Strevell, 1213 25th St., Silk Stocking District Board representative, spoke in support of the NCD.

Ralph McMorris, 1201 Postoffice, GAIN President, spoke in support of the NCD.

Sheryl Rozier, 1601 Winnie, spoke in support of NCD.

Jim Ringlestetter, 1824 Ave. O, stated his opposition to the NCD. He requested his block be excluded.

Noreen Horton, 1828 Ave. O, stated opposition to the NCD.

James Dallas, 1803 27th St., spoke in support of the NCD.

Kimberly Buften, 2010 Ave. N, spoke in support of the NCD.

Angela Brown, 2019 N ½, stated the Kempner Park Neighborhood Assn., supports the NCD.

Russ Mertins, 1402 N ½, stated he and his wife support the NCD.

Duanne Jones, Director of the Galveston Historical Foundation, spoke in support of the NCD.

James Selig, 4720 Crockett, spoke in support of the NCD.

Brenda Lee, 2202 Ave. P, spoke in support of the NCD.

Joanne Griffin, 1824 Ave. M, representative of Lost Bayou and San Jacinto Neighborhood Assn. Board Member, spoke in support of the NCD.

Allan Kamen, 1505 21st St., spoke in support of the NCD.

Ed Hinkle, 1812 Ave. P, spoke in support of the NCD.

Georgina Eastmond, 3001 Ave. O ½, Kempner Park Neighborhood representative to GAIN, spoke in support of the NCD.

Ken Shelton, 1728 Sealy, expressed concerns regarding the NCD and property rights.

There being no one else to speak, the Public Hearing was closed.

CM Mahoney moved approval. Second by CM Colbert.

After discussion, MPT Weber moved to amend the motion to take out the 1900 Block of Avenue P. Second by CM Woods. Vote on amendment: In Favor: MPT Weber, CM Woods. Opposed: CM Mahoney, CM Beeton, Mayor Thomas, CM Colbert, CM Fennewald. Motion to amend failed.

Vote on main motion. In favor: CM Mahoney, CM Beeton, Mayor Thomas, CM Colbert, CM Fennewald. Opposed: CM Woods, MPT Weber. Motion carried.

Recess: 8:30 P.M. – 8:50 P.M.

- F. Consider for approval an Ordinance of the City of Galveston, Texas, changing the zoning from "One Family-Two (1F-2) to Commercial ©) Zoning District" on property legally described as "Lots 14, 15, 16 and 17, Block 1 of Kinkeads Addition, a Subdivision in the City and County of Galveston, Texas", and commonly known as 5810 Avenue Q Planning Case 10P-11); making various findings and provisions related to the subject.

ORDINANCE was read by caption: CHANGING THE ZONING FROM "ONE FAMILY-TWO (1F-2) TO COMMERCIAL (C) ZONING DISTRICT" ON PROPERTY LEGALLY DESCRIBED AS "LOTS 14, 15, 16 AND 17, BLOCK 1 OF KINKEADS ADDITION, A SUBDIVISION, IN THE CITY AND COUNTY OF GALVESTON, TEXAS", AND COMMONLY KNOWN AS 5810 AVENUE Q PLANNING CASE 10P-11); MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Director of Planning O'Donohoe summarized the request. She stated staff was recommending denial.

Mayor Thomas opened the PUBLIC HEARING.

Mark Stevens, Attorney representing applicants spoke in support and asked to defer and send back to Planning.

There being no one else to speak, the Public Hearing was closed.

City Attorney Green expressed concerns pertaining to spot zoning.

After discussion, CM Fennewald moved denial. Second by CM Beeton. Motion to deny unanimously approved.

- G. Consider for approval an Ordinance of the City of Galveston, Texas, granting a Specific Use Permit in order to operate a "Resort" in a Resort, Seawall Development Zone, Zone 2 (RES-SDZ-2) at 201 Seawall Boulevard; properties are legally described as 59.7909 acre tract of the M. Menard Survey; Lots 8 -11 and adjacent North ½ of Avenue G and adjacent West ½ of 1st Street, Block 361; and Block 301 and adjacent streets in the City and County of Galveston, Texas"; Planning Case Number 10P-17.

ORDINANCE NO. 10-025 was read by caption: GRANTING A SPECIFIC USE PERMIT IN ORDER TO OPERATE A "RESORT" IN A RESORT, SEAWALL DEVELOPMENT ZONE, ZONE 2 (RES-SDZ-2) AT 201 SEAWALL; PROPERTIES ARE LEGALLY DESCRIBED AS 59.7909 ACRE TRACT OF THE M. MENARD SURVEY; LOTS 8 - 11 AND ADJACENT NORTH ½ OF AVENUE G AND ADJACENT WEST ½ OF 1ST STREET, BLOCK 361; AND BLOCK 301 AND ADJACENT STREETS IN THE CITY AND COUNTY OF GALVESTON, TEXAS"; PLANNING CASE NUMBER 10P-17; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Director of Planning O'Donohoe summarized the request.

Mayor Thomas opened the PUBLIC HEARING.

Lou Muller, Director of Park Board of Trustees, stated the board did not approve the business plan.

There being no one else to speak, the Public Hearing was closed.

The applicants attorney, Dianna Berlini was present for questions.

After discussion, **CM Beeton moved approval of the Specific Use Permit with an 18 month expiration date and that there be a 50 foot buffer between any wetlands on the property and the actual development such as the pads for the trailer sites and that any wetland mitigation required by the Corps of Engineers take place on the island. Second by CM Woods.**

Bob Randall, Architect for the project, said the 50 foot buffer could probably be done.

Vote: In favor: CM Mahoney, CM Beeton, MPT Weber, Mayor Thomas, CM Colbert and CM Woods. Opposed: CM Fennewald. Motion carried.

H. Public Hearing to review an Ordinance of the City of Galveston, Texas, adopting, amending and renewing the provisions of Chapter 24, "Offenses-Miscellaneous", Section 24-6, "Curfew for Minors: of the "The City Code of Galveston, 1982, as amended"; providing for a penalty clause. (1 of 2 Public Hearings).

ORDINANCE was read by caption: ADOPTING AND RENEWING THE PROVISIONS OF CHAPTER 24, "OFFENSES –MISCELLANEOUS", SECTION 24-6, "CURFEW FOR MINORS" OF "THE CITY CODE OF GALVESTON, 1982, AS AMENDED"; PROVIDING FOR A PENALTY CLAUSE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Mayor Thomas opened the PUBLIC HEARING. There being no one to speak, the Public Hearing was closed.

First of two Public Hearings required. No action taken.

10. PUBLIC COMMENT

The public shall be allowed to address one or more agenda or non-agenda items. Each person shall be limited to three (3) minutes, regardless of the number of items addressed.

Doug Little, 3503 Foremast, spoke in support of the Golf Cart Ordinance.

Kathie Hayes, 3919 Navarro, spoke in support of the Golf Cart Ordinance.

Pam Williams, 3917 1st St., 77554, said she had reservations about the Golf Cart Ordinance.

Willa Nadalin, 23114 Camino, spoke in support of the Golf Cart Ordinance and said the current laws should be enforced.

Charles Winsor, 3814 Port Trinidad, spoke in support of the Golf Cart Ordinance.

Kris Hall, Sands of Kahala Beach, requested the Homeowners Assn. release requirement be waived for the buyouts in Kahala Beach.

Steve Greenberg, 4800 Seawall #F2, spoke regarding budget concerns.

Juan Pena, 202 Barracuda, spoke in support of Item 11E and also urged support of a complete census count.

Russ Mertins,

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

- A. Consider for approval an Ordinance of the City of Galveston, Texas, amending the General Fund Operating Fund Budget, Municipal Drainage Fund Budget and the Sanitation Fund Budget for Fiscal Year ending September 30, 2010, by transferring \$21,500 from various general fund accounts, reducing \$400,000 from the Municipal Drainage Fund Accounts, increasing \$400,000 to the Sanitation Fund Account to adjust and properly record unforeseen expenses in connection with funding for streaming video and the purchase of two refuse trucks.

ORDINANCE NO. 10-026 was read by caption: AMENDING THE GENERAL FUND OPERATING FUND BUDGET, MUNICIPAL DRAINAGE FUND BUDGET AND THE SANITATION FUND BUDGET FOR FISCAL YEAR ENDING SEPTEMBER 30, 2010, BY TRANSFERRING \$21,500 FROM VARIOUS GENERAL FUND ACCOUNTS, REDUCING \$400,000 FROM THE MUNICIPAL DRAINAGE FUND ACCOUNTS, INCREASING \$400,000 TO THE SANITATION FUND ACCOUNT TO ADJUST AND PROPERLY RECORD UNFORESEEN EXPENSES IN CONNECTION WITH FUNDING FOR THE STREAMING VIDEO AND THE PURCHASE OF TWO REFUSE TRUCKS; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Motion to approve by CM Beeton. Second by CM Woods. Unanimously approved by those present. Absent: CM Fennewald, CM Colbert, Mayor Thomas.

- B. Consider for approval an Ordinance of the City of Galveston, Texas, authorizing the City Manager to execute an agreement with the Galveston Independent School District for Mutual Aid Law Enforcement; providing for findings of fact and an effective date.

RESOLUTION NO. 10-010 was read by caption: AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE GALVESTON INDEPENDENT SCHOOL DISTRICT FOR MUTUAL AID LAW ENFORCEMENT; PROVIDING FOR FINDINGS OF FACT AND AN EFFECTIVE DATE.

Motion to approve by CM Beeton. Second by CM Woods. Unanimously approved by those present. Absent: CM Fennewald, CM Colbert, Mayor Thomas.

- C. Consider for approval an Ordinance of the City of Galveston, Texas, amending Chapter 37, "Wrecker, Tow Truck and Storage Facility Code", Sections 37-1 through 37-12 of "The Code of the City of Galveston 1982, as amended," by changing the state regulatory agency governing wreckers and other requirements to comport with state law; eliminating the requirement for licensees to own a sling truck, and substituting a "wheel lift" type truck in place thereof, establishing a minimum winch capacity and add an abandoned heavy duty rotation list.

ORDINANCE NO. 10-027 was read by caption: AMENDING CHAPTER 37, "WRECKER, TOW TRUCK AND STORAGE FACILITY CODE", SECTIONS 37-1 THROUGH 37-12 OF "THE CODE OF THE CITY OF GALVESTON 1982, AS AMENDED," BY CHANGING THE STATE REGULATORY AGENCY GOVERNING WRECKERS AND OTHER REQUIREMENTS TO COMPORT WITH STATE LAW; ELIMINATING THE REQUIREMENT FOR LICENSEES TO OWN A SLING TRUCK, AND SUBSTITUTING A "WHEEL LIFE" TYPE TRUCK IN PLACE THEREOF, ESTABLISHING A MINIMUM WINCH CAPACITY AND ADD AN ABANDONED HEAVY DUTY ROTATION LIST.

Motion to approve by CM Beeton. Second by CM Woods. Unanimously approved by those present. Absent: CM Fennewald, CM Colbert, Mayor Thomas

- D. Consider for approval a Resolution of the City Council of the City of Galveston certifying that the Community's Identified Housing, Non-Housing, Economic Development, and Community Development Activities meet the national objective of needs having a particular urgency as required by the CDBG Program.

RESOLUTION NO. 10-000 was read by caption: CERTIFYING THAT THE COMMUNITY'S IDENTIFIED HOUSING, NON-HOUSING, ECONOMIC DEVELOPMENT, AND COMMUNITY DEVELOPMENT ACTIVITIES MEET THE NATIONAL OBJECTIVE OF NEEDS HAVING A PARTICULAR URGENCY AS REQUIRED BY THE CDBG PROGRAM.

Motion to approve by CM Woods. Second by CM Beeton. Unanimously approved by those present. Absent: CM Fennewald, CM Colbert, Mayor Thomas

- E. Consider for approval an Ordinance of the City of Galveston, Texas amending Chapter 34, "Traffic" of "The Galveston City Code of 1982, as amended," to permit the use of golf carts in the City on certain public streets subject to compliance with permit registration, having specified safety equipment and motor vehicle insurance; providing for definitions; providing for a penalty; providing for exceptions.

ORDINANCE NO. 10-028 was read by caption: AMENDING CHAPTER 34, "TRAFFIC" OF "THE GALVESTON CITY CODE OF 1982, AS AMENDED," TO PERMIT THE USE OF GOLF CARTS IN THE CITY ON CERTAIN PUBLIC STREETS SUBJECT TO COMPLIANCE WITH PERMIT REGISTRATION, HAVING SPECIFIED SAFETY EQUIPMENT AND MOTOR VEHICLE INSURANCE; PROVIDING FOR DEFINITIONS; PROVIDING FOR A PENALTY; PROVIDING

FOR EXCEPTIONS; PROVIDING FOR AN EFFECTIVE DATE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Motion to approve by CM Beeton. Second by MPT Weber. Asst. City Attorney Robin Cross read the following changes: Fifth "Whereas" on the first page is deleted; Page 3, Sec. 34-202 to read "Golf Carts are not permitted on public streets, delete the word "where", Subsection a would be "where" - word "the" would remain, subsection b delete "there is more than one lane of vehicular traffic per direction such as, it would leave Ave. O between 53rd and 15th St. and Ave. P between 19th and 53rd Sts. (Makes it clear it is only these two streets within these specifications) ie. Where there are one way streets; Page 4, Sec. 34-203, registration permits subsection b2 delete the word "evidence of" before proof add the word "show" and delete "display of the"; page 5 sec 34-204 Revocation subsection a should say "chapter" as opposed to "ordinance"; Page 6 section 34-207 Operation Regulations subsection f4 "if over the age of seven use seat belts when operating a golf cart east of 103rd St., section 34-208 "Penalties, "any person who violates the terms of this - delete "ordinance" add the word "chapter" and below that delete the word "the". Page 5, a should be green permit can drive all over the island, b should be red permit is west in only.

CM Mahoney and MPT Weber moved approval with amendments as stated by Ms. Cross. CM Mahoney amended the motion to recognize Mr. Steve Salch for his work on the ordinance. Accepted by MPT Weber. Vote: Unanimously approved by those present. CM Fennewald and CM Colbert not present.

- F. Consider for approval a Resolution of The City Council of The City of Galveston Texas, Authorizing the City Manager to Execute An Agreement with Texas A&M University at Galveston, Galveston, Texas, for Mutual Aid Law Enforcement; Providing for Findings of Fact and an Effective Date.

RESOLUTION NO. 10-012 was read by caption: AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH TEXAS A & M UNIVERSITY AT GALVESTON, TEXAS (TAMUG) FOR MUTUAL AID LAW ENFORCEMENT; PROVIDING FOR FINDINGS OF FACT AND AN EFFECTIVE DATE.

Motion to approve by CM Beeton. Second by CM Woods. Unanimously approved by those present. Absent: CM Fennewald, CM Colbert, Mayor Thomas

- G. Consider for Approval Resolution of The City Council of The City of Galveston Texas, Authorizing the City Manager and the Police Chief to Enter into an Agreement with Various Municipalities within the County and the County of Galveston, Texas for Mutual Aid Law Enforcement; Providing for Findings of Fact and an Effective Date.

RESOLUTION NO. 10-013 was read by caption: AUTHORIZING THE CITY MANAGER AND THE POLICE CHIEF TO ENTER INTO AN AGREEMENT WITH VARIOUS MUNICIPALITIES WITHIN THE COUNTY AND THE COUNTY OF GALVESTON, TEXAS FOR MUTUAL AID LAW ENFORCEMENT; PROVIDING FOR FINDINGS OF FACT AND AN EFFECTIVE DATE.

Motion to approve by CM Beeton. Second by CM Woods. Unanimously approved by those present. Absent: CM Fennewald, CM Colbert, Mayor Thomas

- H. Consider for approval a Resolution of the City Council of the City of Galveston, Texas authorizing the City Manager to execute an application for a Fiscal Year 2011 General Victim Assistance- Direct Services (VX) Program Grant from the Office of the Governor's Criminal Justice Division; authorizing the City Manager execute all necessary documents relating to the Grant and to accept any funds distributed under the Grant.

RESOLUTION NO. 10-014 was read by caption: AUTHORIZING THE CITY MANAGER TO EXECUTE AN APPLICATION FOR AN FISCAL YEAR 2011 GENERAL VICTIM ASSISTANCE-DIRECT SERVICES (VX) PROGRAM GRANT FROM THE OFFICE OF THE GOVERNOR'S CRIMINAL JUSTICE DIVISION; AUTHORIZING THE CITY MANAGER EXECUTE ALL NECESSARY DOCUMENTS RELATING TO THE GRANT AND TO ACCEPT ANY FUNDS DISTRIBUTED UNDER THE GRANT; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve by CM Beeton. Second by CM Woods. Unanimously approved by those present. Absent: CM Fennwald, CM Colbert, Mayor Thomas

12. ACTION ITEMS

The following items shall be considered for action as a whole, unless one or more Council Members objects:

- A. Consider for action approving renewal of Kronos maintenance contract, which is designed for payroll that runs on our AS-400, in the amount of \$16,419.80. Funding source is Technology Services Maintenance Contracts.
- B. Consider for action approving the purchase of fifteen Motorola Portable TS5000 Model II 3X2 radios for the Police Department. To be purchased through HGAC for \$52,650.00. Funding source is 100% from State of Texas Grant #2230801.
- C. Consider for action approving acceptance of appraised value, in the amount of \$2,000.00, for the previously abandoned 2,000 square foot portion of right-of-way, north of Avenue O, south of Offatts Bayou. Adjacent property is legally described as Lots 107, 108 and 110 of Trimble and Lindsey, Section 2 and Lots 10, 11, 12, 13, 14, 15,16, and 17 in Block 1 of Pabsts Bayview Addition, in the City and County of Galveston, Texas. Applicant Lee Kinard, Galveston Boat Club.
- D. Consider for action approving the purchase of two new 40-foot bucket trucks for the Traffic Division to be purchased from Philpott Motors through HGAC Buy for a total price of \$187,665.88. Funding source is Vehicle Replacement Account.
- E. Consider for action authorizing the City Manager to execute an eighth amendment of the lease between Galveston Island Waterpark, L.P. and the City

of Galveston adding 8,000 square feet of improved property located at 2110 Beech and adjusting the rental accordingly.

- F. Consider for action approving the purchase of seven dressed Ford Police Interceptors for the Police Department Patrol Division to be purchased from Philpott Motors through HGAC Buy for a total price of \$245,716.73. Funding source is through a Houston Galveston Area Council (HGAC) Grant. This grant will cover \$240,906.00 of the purchase. The remaining \$4,810.73 will be funded from GPD Seized funds.
- G. Consider for action approving agreement with Galveston County Firefighter's Association to accept \$30,000.00 for the Galveston Fire Department.
- H. Consider for action authorizing the City Manager to accept a revised grant proposal from the Texas Department of Public Safety's Division of Emergency Management for the development of a Local Mitigation Plan in the amount of \$66,666.00 and authorizing the City Manager to execute the grant contract. The local match of \$16,666.00 or 25% will be provided with in-kind services.
- I. Consider for action approving City of Galveston Construction Division Monitoring of the six (5 water and 1 wastewater) TWDB-ARRA Projects in the amount of \$312,328.00. Funding source is 90% Water Improvement and 10% Sewer Improvement Fund.
- J. Consider for action approving augmenting our grant funding in the amount of \$150,013.00 for the completion of the Five Water Development Board Grant Projects. Funding source is Water Improvement Fund.
- K. Consider for action approving additional funding to the three-year engagement with James Lee Witt Associates for advisory services in connection with FEMA public assistance funds and insurance adjusting and mitigation in an amount not to exceed \$1,392,439.32. Funding source is from the General Fund, Water and Wastewater match, in thirds.
- L. Consider for approval authorizing and appointing Donna Fairweather as an Assistant City Attorney.
- M. Discuss and consider for action the money that was going to be used for the sidewalk on Lennox Street to also help out with the stump grinding throughout the City in terms of parks and sidewalks. (Woods/Colbert)
WITHDRAWN
- N. Discuss and consider for action selecting date for runoff election.
(Beeton/Fennewald)

CM Woods moved to approve June 19, 2010 as the date for the runoff election. Second by MPT Weber. Unanimously approved by those present. Absent: CM Fennewald, CM Colbert, Mayor Thomas.

- O. Discuss and consider for action giving the City Manager direction to request a line of vegetation determination from the Texas General Land Office for the permitting of any activity which is dependent on the line of vegetation.

(Fennewald/Beeton)

CM Beeton moved to direct the City Manager to use the policy that when applications come in, the City always asks for determination of the line of vegetation. Second by CM Mahoney. Unanimously approved by those present. Absent: CM Fennewald, CM Colbert, Mayor Thomas

- P. Consider for action authorizing the City Manager to enter into a temporary easement in gross and indemnity and hold harmless agreement with Anchor Bay Ltd. for the residents and the City to access property on Camino Real Street north of the recently damaged bridge until the bridge has been rebuilt, subject to approval by the City Attorney.

- Q. Consider for action appropriating funds to replace the recently damaged bridge located on Camino Real Street in an amount not to exceed \$400,000; and authorizing the City Manager, with approval of the City Attorney, to enter a construction contract with Texas Gulf Construction for the replacement of that bridge without the necessity of bidding because the damage was unforeseen and the contract is necessary to preserve and protect the public health and safety of the municipality's residents.

City Manager LeBlanc stated Item Q was being done under Chapter 252.022 Item A, 2 and 3 which he read into the record: That the procurement is done as necessary to preserve or protect the public health or safety of the municipalities residents and the procurement is necessary because of unforeseen to public machinery, equipment or other property.

CM Mahoney moved approval of Action Items A, B, C, D, E, F, G, H, I, J, K, L, P and Q. Second by CM Woods. Unanimously approved by those present. Absent: CM Fennewald, CM Colbert, Mayor Thomas.

13. MAYOR AND COUNCIL APPOINTMENTS

- A. Consider for action Mayor and Council Appointments to various City Boards, Committees and Commissions:

1. Civilian Review Board
2. Park Board of Trustees
3. Zoning Board of Adjustments

14. N/A

15. EXECUTIVE SESSION (Closed Session)

16. DISCUSSION ITEMS
N/A

17. ADJOURNMENT

There being no further business to come before the assembly, the meeting was adjourned at 11:00 p.m.